

## Agenda Item #11.B.



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDWIN G. BROWN, III

### BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

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DATE: August 25, 2011

TO: Board Members

FROM:   
Cheryl C. Anderson, M.S., R.N.  
Supervising Nursing Education Consultant

SUBJECT: Career Development Institute Vocational Nursing Program –  
Reconsideration of Provisional Accreditation; Consideration of Request to  
Admit Students (Director: **VACANT**, Los Angeles, Los Angeles, Private)

Career Development Institute, Inc., Los Angeles, Vocational Nursing Program is presented to the Board for reconsideration of its provisional accreditation. The program's status was changed to provisional accreditation on October 7, 2009, for the two – year period from October 7, 2009 through September 30, 2011. The program was placed on the agenda for the September 2011 Board meeting for reconsideration of its accreditation status. That action was taken due to the program's noncompliance with Section 2530 (I) of the Vocational Nursing Rules and Regulations which states:

"The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period.

- (1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional accreditation."

The following table shows the variance of the program's pass rates from the state average annual pass rates of first time graduates of accredited vocational nursing programs for the past 16 quarters. This data substantiates the program's noncompliance for the period July 2007 through March 2010, and its compliance for the five (5) most recent quarters, April 2010 through June 2011, with Section 2530 (I) of the Vocational Nursing Rules and Regulations.

NCLEX-PN® Licensure Examination Pass Rates			
Quarter	State Annual Average Pass Rate	Program Annual Average Pass Rate	Variance from State Annual Average Pass Rate
Jul – Sep 2007	76%	56%	-20
Oct – Dec 2007	76%	56%	- 20
Jan – Mar 2008	75%	50%	- 25
Apr - Jun 2008	74%	25%	- 49
Jul - Sep 2008	74%	40%	- 34
Oct – Dec 2008	73%	40%	- 33
Jan – Mar 2009	72%	40%	-32
Apr – Jun 2009	70%	40%	-30
Jul - Sep 2009	74%	0%	-74
Oct – Dec 2009	73%	0%	-74
Jan – Mar 2010	74%	0%	-74
Apr – Jun 2010	75%	67%	-8
Jul – Sep 2010	75%	100%	+25
Oct – Dec 2010	76%	100%	+24
Jan – Mar 2011	77%	100%	+23
Apr – Jun 2011	76%	100%	+24

On July 8, 2011, the Executive Officer deferred action on the program's request to admit a part – time class of 30 students on July 12, 2011 only, for consideration by the Board at the September 9, 2011 meeting. The proposed class was projected to graduate January 24, 2012. This decision was based on the following factors;

- The Board's decision rendered October 7, 2009, placing the program on the September 2011 agenda for reconsideration of its provisional accreditation;
- The program's pass rate statistics; and
- The small population of program graduates tested in proportion to the numbers admitted, from April 2009 through June 2011.

On July 8, 2011, correspondence was forwarded to the director notifying the program of the Executive Officer's decision.

On July 14, 2011, the Board received correspondence from the director requesting approval to admit 30 students on November 15, 2011, only, graduating June 30, 2013. The proposed class would **replace** students graduating October 30, 2011.

### **History of Prior Board Actions**

- On February 21, 2005, the Executive Officer approved the Career Development Institute's request to begin a full - time vocational nursing program with an initial class of 30 students on February 12, 2005 only; and approved the program curriculum for 1532 hours, including 576 theory and 956 clinical hours.
- On October 5, 2005, the director notified the Board of a delayed start from February 12, 2005, to October 22, 2005, with a completion date of October 17, 2006.

- On September 8, 2006, the Board approved initial full accreditation for the Career Development Institute Vocational Nursing Program for the period from September 8, 2006, through September 7, 2010, and issued a certificate accordingly.

The Board also approved the program's request to admit 30 students starting November 18, 2006 only, to **replace** students graduating October 22, 2006. The projected completion date for the replacement class was November 9, 2007.

- On March 1, 2007, the Board approved the Career Development Institute, Inc. Vocational Nursing Program's request to admit 30 students into a part-time class starting March 9, 2007 only, with a projected graduation date of March 9, 2008.
- On April 9, 2008, the program was requested to review its curriculum, instructional plan, policies and procedures to evaluate changes needed to improve program pass rates.
- On June 4, 2008, the Executive Officer approved the program's request to admit 15 students on July 7, 2008 only, with an anticipated graduation date of July 2, 2009, to **replace** students scheduled to graduate March 8, 2008.
- On October 3, 2008, the program submitted a written plan for improving its pass rates on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN®).
- On March 16, 2009, the program was notified that its average annual pass rates had fallen below 10 percentage points of the state average annual pass rates for the past six (6) quarters. The program was requested to submit detailed documentation verifying implementation of the submitted plan of correction, dates of implementation of the plan, the effectiveness of the employed interventions, and modifications, if any, in the submitted plan, on or before April 2, 2009.
- On March 18, 2009, the Executive Officer approved the program's request to admit 15 students commencing July 17, 2009, with an anticipated graduation of October 10, 2010 only, to **replace** students scheduled to graduate on July 2, 2009. Additionally, the program was required to submit a follow-up report by April 30, 2009 that included a comprehensive analysis of the program, specific actions to improve the program pass rates, timeline for implementation, and expected outcomes, to include the following elements.
  - a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan.
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. List of Textbooks.
  - i. Attendance Policy.

- j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
- On May 14, 2009, the program was notified that its pass rates had fallen below ten (10) percentage points of the state average annual pass rate for the past seven (7) quarters. The program was requested to submit the following information by June 15, 2009.
  - a. Current enrollment information.
  - b. Current faculty and facility information.
  - c. Documentation demonstrating the clinical rotation schedules for all current classes.
  - d. An analysis of their program's plan of correction indicating elements that have been effective and those that have not. Describe alterations that they will make in the plan based on this analysis.
  - e. Any other pertinent information to be considered by the Board.
- On July 17, 2009, the Board received the program's follow – up report. That report contained the program's analysis of its plan of correction and modifications of that plan. The program failed to submit information and documentation addressing the following areas.
  - a. Current enrollment information.
  - b. Current faculty and facility information.
  - c. Documentation demonstrating the clinical rotation schedules for all current classes.
- **On July 22, 2009, a new program director was approved.**
- On August 17, 2009, the Board received information and documents from the owner correcting reported inaccuracies in information submitted by the prior director relative to the program's enrollment history.
- **On October 7, 2009, the Board placed the program on Provisional Accreditation for the two-year period from September 17, 2009, through September 30, 2011, and directed issuance of a notice identifying specific areas of non – compliance and requirements for correction referenced in Section 2526.1 (e) of the California Code of Regulations. The program was placed on the agenda for the September 2011 Board meeting for reconsideration of the program's accreditation status.**

The program was required to show documented progress by submitting follow-up reports in 10 and 22 months. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timelines for expected results, and the effectiveness of corrective actions taken to address the following elements:

- a. Current Student Enrollment.
- b. Admission Criteria.

- c. Screening and Selection Criteria.
- d. Terminal Objectives.
- e. Curriculum Objectives.
- f. Instructional Plan.
- g. Theory and Clinical Objectives for Each Course.
- h. Lesson Plans for Each Course.
- i. Textbooks.
- j. Attendance Policy.
- k. Remediation Policy.
- l. Evaluations of Theory and Clinical Faculty.
- m. Evaluations of Theory Presentations.
- n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
- o. Evaluation of Student Achievement.

Additionally, the program was required to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's regulations, commencing at California Code of Regulations, Title 16, Section 2525.

- On January 7, 2010, the Executive Officer approved Career Development Institute Vocational Nursing Program's request to admit a part – time class of 30 students on January 11, 2010 only, with a projected graduation date of August 26, 2011.
- On April 13, 2011, the director notified the Board that commencement of the January 11, 2010 class had been delayed to March 18, 2010.
- On April 22, 2011, the Supervising Nursing Education Consultant forwarded correspondence to the director relative to the Board's scheduled reconsideration of the program's provisional accreditation. Pursuant to the Board's decisions, the director was requested to submit a report to include, but not be limited to, a comprehensive analysis of the program, specific actions taken to improve program pass rates, and timelines for expected results, by July 15, 2011.
- On July 8, 2011, the Executive Officer deferred action on the program's request to admit a part – time class of 30 students on July 12, 2011 only, and graduating January 24, 2012, for consideration by the Board at the September 9, 2011 meeting. Additionally, the program's requirement to obtain Board approval prior to the admission of each class was continued. The assigned consultant forwarded correspondence to the director advising of the Executive Officer's decision.
- On July 11, 2011, the Board received correspondence from the owner requesting reconsideration of the Executive Officer's decision.
- On July 14, 2011, the Board received electronic correspondence requesting approval to admit 30 students on November 15, 2011, graduating June 30, 2013, to **replace** students graduating October 30, 2011.
- On July 15, 2011, the Board received the program's report.

- On August 2, 2011, the Board received electronic correspondence from the director advising she would be “leaving CDI on August 12<sup>th</sup>...”
- On August 3, 2011, the Board received electronic correspondence dated August 2, 2011, from Janis K. Newton, president, stating the director had resigned and reporting the **director’s last day of employment as August 16, 2011.**
- On August 10, 2011, the Supervising Nursing Education Consultant forwarded correspondence to the director requesting the submission of documents for Board presentation.

### **Enrollment**

The program offers a 53 – week full – time class and a 17 – month part – time class. Prior Board approval is required for each class admission. The pattern of admissions for current and proposed classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and proposed class starts and completions. The table indicates **a maximum enrollment of 41 students** from **October 2005 through November 2011.**

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
10/05 (FT)		10	9	<b>9</b>
	10/06 (10/05 FT Class)		- 9	$9 - 9 = 0$
10/06 (FT)		9	6	$0 + 6 = 6$
	11/07 (10/06 FT Class)		- 6	$6 - 6 = 0$
3/07 (PT)		9	8	$0 + 8 = 8$
	3/08 (3/07 PT Class)		- 8	$8 - 8 = 0$
7/08 (FT)		6	6	$0 + 6 = 6$
	7/09 (7/08 FT Class)		- 6	$6 - 6 = 0$
7/09 (PT)		8	7	$0 + 7 = 7$
3/10 ( PT)		12	6	$7 + 6 = 13$
	10/10 (7/09 PT Class)		-7	$13 - 7 = 6$
12/10 (PT) (Unapproved)		18	11	$6 + 11 = 17$
	10/11 (3/10 Class)		-6	$17 - 6 = 11$
11/11 (PT) (Proposed)		30		$11 + 30 = 41$

### **Licensing Examination Statistics**

The following statistics, furnished by Pearson VUE, and published by the National Council of State Boards of Nursing as "Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction," for the period April 2007 through June 2011, specify the pass percentage rates for graduates of Career Development Institute, Inc., Vocational Nursing Program on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN®).

NCLEX-PN® Licensure Examination Data						
Quarterly Statistics					Annual Statistics*	
Quarter	# Candidates	# Passed	% Passed	State Average Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate
Jul - Sep 2007	3	0	0%	76%	56%	76%
Oct - Dec 2007	No Candidates Tested			76%	56%	76%
Jan - Mar 2008	No Candidates Tested			75%	50%	75%
Apr - June 2008	5	2	40%	70%	25%	74%
Jul - Sep 2008	No Candidates Tested			74%	40%	74%
Oct - Dec 2008	No Candidates Tested			73%	40%	73%
Jan - Mar 2009	No Candidates Tested			70%	40%	72%
Apr - Jun 2009	No Candidates Tested			71%	40%	70%
Jul - Sep 2009	2	0	0	74%	0%	72%
Oct - Dec 2009	No Candidates Tested			76%	0%	73%
Jan - Mar 2010	No Candidates Tested			76%	0%	74%
Apr - Jun 2010	4	4	100%	74%	67%	75%
Jul - Sep 2010	1	1	100%	76%	100%	75%
Oct - Dec 2010	1	1	100%	77%	100%	76%
Jan - Mar 2011	2	2	100%	80%	100%	77%
Apr - Jun 2011	1	1	100%	71%	100%	76%
*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three quarters by the number of candidates who tested during the same period. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.						

Based on the most recent data available (April – June 2011), the program's average annual pass rate is 100%. The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time during the same period is 76%. The pass rate for the Career Development Institute, Inc., Vocational Nursing Program is 24 percentage points **above** the state average annual pass rate.

### **Faculty and Facilities**

Section 2534(d) of the Vocational Nursing Rules and Regulations states:

"For supervision of clinical experience, there shall be a maximum of 15 students for each instructor."

The program's Board - approved faculty totals twelve (12), including the program director. Eight (8) instructors are available to teach in the clinical area.



Based on a maximum enrollment of 41 students, three (3) instructors are required for clinical supervision. Therefore, the current number of faculty is adequate for the current enrollment.

Section 2534(b) of the Vocational Nursing Rules and Regulations states:

“Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught.”

The program’s clinical facilities are adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives in accordance with Section 2534(b) of the Vocational Nursing Rules and Regulations. This has been verified by the consultant.

### **Other Considerations**

As noted previously, on October 7, 2009, the Board placed the Career Development Institute, Inc., Los Angeles, Vocational Nursing Program on provisional accreditation for the two – year period from October 7, 2009 through September 30, 2011. At that time the program’s average **annual** pass rate was **40%**, 30 percentage points **below** the state average annual pass rate. (See Attachment A; Attachment B)

Since that time, published examination statistics evidence substantial improvement. Over the eight (8) most recent quarters, the program’s average annual pass rate has improved from 0% to 100%. For the most recent four (4) consecutive quarters, the program’s **average** quarterly pass rate is **100%**; the average **annual** pass rate is **100%**. As such, the program’s average **annual** pass rate is **24** percentage points **above** the state average annual pass rate.

However, it must be noted that, based on submitted enrollment data, the program admitted 72 students between October 2005 through December 2010. Of those admitted, 36 (50% of the admitted population) graduated. Since placement on provisional accreditation, the program has admitted 38 students. Thirteen (13) have graduated (34.2%); eleven (11) students remain enrolled (28.9); fourteen (14) students are no longer with the program (36.9%).

Since June 2009, eleven (11) program graduates have completed the NCLEX/PN®. Of the total tested, nine (9) program graduates passed; two (2) failed. During the most recent five (5) quarters (April 2010 – June 2011), nine (9) graduates were tested; nine (9) passed.

On April 22, 2011, the Board forwarded correspondence advising the program of the scheduled reconsideration of its provisional accreditation on September 9, 2011. The director was requested to submit a report to include, but not be limited to, a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for

implementation, and the effect of employed interventions, by July 15, 2011. (See Attachment C)

On July 8, 2011, the Executive Officer deferred action on the program's request to admit a part – time class of 30 students on July 12, 2011 only, with a projected graduation date of January 24, 2012, for consideration by the Board at the September 9, 2011 meeting. That decision was based on the Board's prior October 7, 2009 decision that scheduled reconsideration of the program's accreditation status on September 9, 2011; the program's average annual pass rate statistics; and the small population of program graduates tested from April 2009 through June 2011. (See Attachment D)

On July 11, 2011, the Board received correspondence, dated July 9, 2011, from the president/owner requesting reconsideration of the Executive Officer's decision (see Attachment E). Subsequently, the president/owner appeared at Board headquarters for an unscheduled meeting to request reconsideration. The Supervising Nursing Education Consultant (SNEC) met with the president/owner. The president/owner stated that the decision to defer action on the program's request would jeopardize the program. The SNEC reviewed with the president/owner the program's status, decisions rendered relative to the program's request, and the rationale for those decisions. The SNEC advised the president/owner that the Board was scheduled to reconsider the program's accreditation status at the September 9, 2011 meeting. Additionally, the Board was scheduled to consider the program's request to admit additional students.

On July 15, 2011, the Board received the required program report (see Attachment F). The director reported the following actions had been taken to improve program pass rates since the program's placement on provisional accreditation.

➤ **Screening and Selection Criteria.**

As presented, the program has revised its Screening and Selection Criteria to require candidates to achieve a minimal score of 160 on the CPAt entrance examination. Successful candidates are also required to complete the Language and Reading Comprehension sections of the TEAS and achieve a minimal score of 75%. Additionally, candidates must be interviewed by the director.

➤ **Instructional Methods and Materials.**

Effective January 2010, students are required to pass seven (7) proctored ATI examinations. Additionally, students are required to achieve a minimal score of 91% on the Comprehensive Predictor Examination, as a condition of graduation.

➤ **Identification of Students with Performance Deficits.**

The director reports increased consistency in identifying students with demonstrated deficits in theoretical knowledge and clinical application. Students thus identified are placed in an intensive remediation program structured to address the student's identified deficits. Strict adherence is required.

Additionally, the director reported that effective August 2010, the program has employed a Director of Education. Responsibilities of this position include monitoring student progress and developing a remediation plan based on students' identified performance deficit(s).

➤ **Attendance Policy.**

The director reports increased consistency in application of the Board – approved Attendance Policy.

Based on submitted documents, materials and information, the following violation of the California Code of Regulations is identified.

**Section 2530(k) states:**

**“The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school’s request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:**

- (1) Sufficient program resources as specified in Section 2530 (a).**
- (2) Adequacy of clinical experience as specified in Section 2534.**
- (3) Licensure examination pass rates as specified in Section 2530 (l).”**

**Violation #1:** Information submitted in support of the current request and subsequent clarification provided per telephone on April 13, 2011 substantiate that the program admitted a class of 17 students on December 20, 2010. Board approval was **not** obtained prior to the admission of this class.

**Correction:** This violation has been **corrected**. On May 28, 2011, the director and president/owner submitted documentation stating the class was inadvertently admitted without prior Board approval. The director and owner confirmed the program’s commitment to compliance with existing regulations.

On August 2, 2011, the SNEC received electronic correspondence from the director reporting her departure from the program effective August 12, 2011. On August 3, 2011, the SNEC received electronic correspondence, dated August 2, 2011, from the school president/owner reporting the director’s resignation and the director’s last day of employment as August 16, 2011.

On August 10, 2011, the assigned consultant forwarded correspondence to the director requesting submission of documents for Board presentation (see Attachment G).

## Recommendations:

1. Extend provisional accreditation of the Career Development Institute Vocational Nursing Program for the one – year period from October 1, 2011 through September 30, 2012, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations. (See Attachment H)
2. Approve the program's request to admit 30 students commencing November 15, 2011 only, graduating June 30, 2013, to **replace** students scheduled to graduate October 30, 2011.
3. Require the program to submit a follow-up report in 9 months, but no later than **June 15, 2012**. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis:
  - a. Current Student Enrollment.
  - b. Admission Criteria.
  - c. Screening and Selection Criteria.
  - d. Terminal Objectives.
  - e. Curriculum Objectives.
  - f. Instructional Plan.
  - g. Theory and Clinical Objectives for Each Course.
  - h. Lesson Plans for Each Course.
  - i. Textbooks.
  - j. Attendance Policy.
  - k. Remediation Policy.
  - l. Evaluations of Theory and Clinical Faculty.
  - m. Evaluations of Theory Presentations.
  - n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - o. Evaluation of Student Achievement.
4. Require the program to admit no additional students unless approved by the Board.
5. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's regulations, commencing at California Code of Regulations, Title 16, Section 2526.
6. Require the program to continue to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

8. Place the program on the **September 2012** Board Meeting agenda for reconsideration of provisional accreditation.

**Rationale:** The program has demonstrated that it has sufficient resources, including faculty and facilities, to support the current and proposed enrollment. However, the Board has serious concerns relative to the program's pass rates and noncompliance with regulatory requirements relative to the admission of classes **without** prior Board approval.

At the time of placement on provisional accreditation, the program's average annual pass rate was 40%, 30 percentage points below the state average annual pass rate. Since that time, the program's average annual pass rate has increased to 100%. It must be noted that while the program's performance statistics evidence an improvement of 60 percentage points while on provisional accreditation, only eleven (11) program graduates have completed the NCLEX/PN<sup>®</sup> since the program's placement on provisional accreditation

Additionally, submitted information evidences the program's admission of 30 students in December 2010 without prior Board approval. As such, the program is in violation of California Code of Regulations Section 2530 (k). The director and owner have expressed their commitment to preventing reoccurrences of the violation.

Given the identified improvement in the program's average annual pass rate, the small tested population, and demonstrated noncompliance, extending the program's provisional accreditation for one (1) year and approval of the program's admission of additional students is prudent. Board staff will continue to monitor the program's effectiveness by tracking class admissions, the effectiveness of employed interventions, and the program's licensure examination pass rates each quarter.

By September 2012, the program will have four (4) additional quarters to demonstrate compliance.

Attachment A: Board report dated September 3, 2009.

Attachment B: Notification of Change in Accreditation Status dated December 17, 2009.

Attachment C: Board correspondence dated April 22, 2011.

Attachment D: Board correspondence dated July 8, 2011.

Attachment E: Program correspondence dated July 9, 2011; received July 11, 2011.

Attachment F: Program analysis received July 15, 2011.

Attachment G: Board Correspondence Dated August 10, 2011.

Attachment H: Notification of Change in Accreditation Status Draft.